

To: Smith, Paula[Smith.Paula@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]
From: Russo, Rebecca
Sent: Fri 8/14/2015 11:32:54 PM
Subject: Fwd: Congressional Requests for Information

I am coordinating with ORC. Their review is one of my boxes to check. Sorry Paul, should have cc'd you.

Sent from my iPhone

Begin forwarded message:

From: "Russo, Rebecca" <Russo.Rebecca@epa.gov>
Date: August 14, 2015 at 5:00:54 PM MDT
To: "Ward, W. Robert" <Ward.Robert@epa.gov>, "Hall, Katherin" <hall.katherin@epa.gov>, "Boydston, Michael" <Boydston.Michael@epa.gov>, "Bohan, Suzanne" <bohan.suzanne@epa.gov>
Subject: Congressional Requests for Information

Hi all,

Please find below the master list I am keeping of Congressional Requests for Information. I will ensure that final answers are run by you before we go.

9 H Access Agreement	From House E&C Committee	Access agreement with owner of Gold King mine	34ECEJ/EPR
34 L Access Agreement	Senator Boxer/ Senate EPW Committee	Access agreement between EPA and the owner of the Gold King Mine (San Juan Corp./Todd Hennis); any other agreements with San Juan Corp. or the previous owner, Gold King Mines Corp., concerning the Gold King Mine	9ECEJ/EPR

40

L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
Discovery 1/24/96

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

41 L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
AOC 5/6/96

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

42 L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
PA 3/26/98

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

43 L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
SI 7/22/99

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

44 L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
Expanded SI 7/22/99

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

45 L CERCLIS Documents

Senator Documents listed in
Boxer/ CERCLIS database
Senate under "Actions" for
EPW the Upper Animas
Committee Mining District Site:
Lodged by DOJ
12/17/08

40-
48

EPR:
K.Land;
R.
Sisk;
A.Urdiales

46					EPR:
	L CERCLIS Documents	Senator Documents listed in Boxer/ CERCLIS database			K.Land;
		Senate under "Actions" for	40-		R.
		EPW the Upper Animas	48		Sisk;
		Committee Mining District Site:			A.Urdiales
		AOC 5/11/11			
					EPR:
		Senator Documents listed in Boxer/ CERCLIS database			K.Land;
47	L CERCLIS Documents	Senate under "Actions" for	40-		R.
		EPW the Upper Animas	48		Sisk;
		Committee Mining District Site:			A.Urdiales
		Non-NPL PRP			
		Search 11/10/11			
		Documents listed in			EPR:
		Senator CERCLIS database			K.Land;
		Boxer/ under "Actions" for			R.
48	L CERCLIS Documents	Senate the Upper Animas	40-		Sisk;
		EPW Mining District Site:	48		A.Urdiales
		Committee 104(e) Info. Requests			
		1/16/13 and the			
		responses to the 104			
		(e) requests.			
		Representative			
33	H Claims	Tipton's understanding that			
		staff: the Form 95 is for	29	ORC	
		Darlene personal loss. Does it			
		Marcus cover business lost as			
		well?			
		Senator Does filing for			
		Bennet's damages under Form			
32	H Claims	staff: 95 preclude you from		ORC	
		John seeking compensation			
		Whitney under other forms of			
		business assistance?			
		Senator			
		Bennet's			
29	Claims	staff: Form 95: Can it be			
		Laura used for economic	33	ORC	
		Sherman damages?			
		and			
		John			
		Whitney			

28		Whether EPA has existing authorization and the attendant funding to compensate third-parties, including tribes, for damages incurred as the result of the spill. I seeing press that EPA has pledged to cover the costs of the cleanup – how would EPA pay for that, what authorities would be used and what would the source of funds be	
	Claims	Senate Appropriations Minority	ORC
30	Claims	Senator Bennet's staff: John Whitney Can you file another Form 95 at a later date?	ORC
31	Claims	Senator Bennet's staff: John Whitney If an employee wants compensation for lost wages, does the employee or employer file the form?	ORC
10	H Consent Decree	From House E&C Committee 1996 consent decree with predecessor of Kinross	38ECEJ/EPR
38	L Consent Decree	Senator Boxer/ Senate EPW Committee 1996 Consent Decree between Sunnyside Gold Corp. and State of Colorado Water Quality Division concerning the Sunnyside Mine	10ECEJ/EPR
36	L Contract	Senator Boxer/ Senate EPW Committee Contract between EPA R8 and Environmental Restoration LLC (April 2013, ERRS Contract EP-S8-13-	EPR: K.Land; R. Sisk; A.Urdiales

		02)	
		Senator Cooperative	EPR:
	Cooperative Agreement /	Boxer/ Agreement/Participating	K.Land;
49 L	EPA and Aminos River	Senate Agreement between	R.
	Stakeholder Group	EPW EPA R8 and Animas	Sisk;
		Committee River Stakeholder	A.Urdiales
		Group.	
		Cooperative	
		Agreement between	EPR:
		Senator EPA R8 and State of	K.Land;
		Boxer/ Colorado Division of	R.
37 L	Cooperative Agreement /	Senate Reclamation and	Sisk;
	EPA, State, CO DRMS	EPW Mine Safety under	A.Urdiales
		Committee which DRMS was	
		participating in the	
		response action at the	
		Gold King Mine	
		What are the cost	
		estimates of what	
25 I	Costs: Estimate of Cleanup	Senate EPA is spending for	
		Appropriations current monitoring	JIC
		Minority and cleanup activities	
		and what source of	
		funds are being used	
		to pay for them	
		What actions is the	
		agency currently	
	Costs: Estimate of Cleanup /	Senate taking to develop a	
26 I	Long-Term Monitoring: Plan	Appropriations plan and budget for	JIC
	and Budget	Minority long-term	
		monitoring,	
		remediation and any	
		associated activities	
		Whether discussions	
		are underway for	
27 I	Costs: Resource Needs for	Senate resources or	JIC
	CR	Appropriations authorities needed	
		Minority under the expected	
		short-term CR in	
		September	
		From Engineering report	
8 H	Engineering Report / Time-	House for the Gold King	ECEJ/EPR
	Critical	E&C mine (if not time-	
		Committee critical action)	

20	H Map	Jason Gray; House staff Senator Boxer/ Senate EPW Committee Chairman	Map of affected area	JiC
39	L NPL Listing Package	Fred Upton	NPL listing package for the Upper Animas Mining District	EPR: Johanna
17	H Photos / Videos	Fred Upton	Request for videos and photos of the mine and area: before, during and after	JiC
7	H Planning Documents	From House E&C Committee	Planning documents relating to the work done at the Gold King mine and any related investigation work at mines in the Upper Animas Mining District	ECEJ/EPR
11	H PRPs	From House E&C Committee	Specifically identify all PRPs at the site	ECEJ/EPR
16	H Removal Action	From House E&C Committee	Explain the relationship between the work at the Red and Bonita mine site removal action and the Gold King mine.	1ECEJ/EPR
6	H Risk Assessment	From House E&C Committee	Risk assessment (or any related documents) for the Gold King mine	ECEJ/EPR
35	L Time-critical	Senator Boxer/ Senate EPW	Confirm whether the work opening up Portal #7 at the Gold King Mine was part of the time-critical removal action at the Red & Bonita Mines, and was being done under the 9/24/14 TCRAM, whether	ECEJ/EPR

		Committee	there was a separate TCRAM for the Gold King; or whether EPA considered the work as part of the ongoing investigation of the Upper Animas Mining District site. HQ-EOC sent me the attached R8 fact sheet and funding authority memo. 1. I received an inquiry from HEC Committee staff	
1	H Time-Critical / Removal Action	From House E&C Committee	asking why it was a "time-critical" removal action if we've been investigating at the site since the early 2000's. 2. Also, needs additional information on whether the "time-critical" portion refers to just Red Bonita or Gold King Mine also. Identify everyone that was present at the time of the incident, what their role was, and who was involved with making the decision to do the work at the Gold King mine	16ECEJ/EPR
12	H Timeline of Event / What exactly happened and when	From House E&C Committee	Timeline of the Incident - specifically who was notified when (state and local and downstream users). First 48 hours.	JIC
5	H Timeline of Notifications	From House E&C Committee		JIC

Please find below a list of responses already made (some by Region 8/some directly by HQ):

Request #	Priority	City	General Requestor	Question	Related to Program Request Assigned #	to Response	JICORC Approval	Additional Information
14	H		Action Memo / Enforcement Appendix	From House E&C Committee Action memo and enforcement appendix for the Gold King mine Request for a copy of the confidential enforcement addendum referenced on page 8 of the September 2014 Action Memo. VII. Enforcement A separate Enforcement Addendum provides a confidential summary of current and potential future enforcement actions for the Site (page 8).	4	Addressed in 4		
4	H		Action Memo / Enforcement Appendix	From Oversight Committee 2014 Action Memo. VII. Enforcement A separate Enforcement Addendum provides a confidential summary of current and potential future enforcement actions for the Site (page 8).		“Red and Bonita Mine Enforcement Addendum” and the associated “Red and Bonita Mine Action Memo” final document. The Enforcement Addendum as marked is Attorney Client Privilege – Attorney Work Product		<i>Note From EOC Deputy OGC first as these usually considered to deliberative under attorney client privilege and non-releasable. (EOC Deputy Manager, 8/13, 4:59pm)</i>
13	H		Contract with the House E&C Committee	From House E&C Committee Contract with the contractor performing the work at the Gold King mine				
2			Contract with the House E&C Committee	From House E&C Committee Please specifically identify the contractor(s) working on the site				

15	Enforcement H Appendix / Removal Committee Action	From House E&C Committee	Enforcement appendix Red and Bonita mine site removal action	4	Addressed in 4 above
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22	EPA's Authority / Source of Funds	Jason Gray; House staff	What authority/source of funds was EPA operating under/spending at this site?		Assigned to Jen Wilbur, HQ
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23	EPA's Authority / Source of Funds	Jason Gray; House staff	What other authorities/sources of funds does EPA using for abandoned mine cleanup?		Assigned to Jen Wilbur, HQ
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3	Fact Sheet	From House E&C Committee	Can they get a copy of the fact sheet discussed on the call
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*Below are links to the
May 2015, fact sheet
and the Action Memo
for the Red and Bonita
Mine site which is
adjacent to the Gold
King Mine. The Action
Memo provides details
about conditions at the
Red and Bonita Mine,
Gold King Mine, and
other adjacent mines
as of September 2014*

Please confirm that
 the time critical
 removal action that
 included the work
 From Chairman at Gold King was
 Installation of Plug Inhofe the action to install
 SEPE a plug at the Red
 Counsel and Bonita mine.
 When was the
 installation of that
 plug complete?

The recent work at the
 Gold King Mine was
 the initial activities
 being conducted as
 part of a removal site
 assessment. The plan
 was to re-open the
 Gold King Mine portal
 and workings to
 investigate the
 conditions to assess the
 on-going releases.

This included the
 extraction of an
 unknown amount of
 water ponded behind
 the portal debris
 blockage, followed by
 removal of the
 blockage and
 stabilization of the
 portal opening. When
 completed, the
 assessment
 would identify and
 characterize specific
 water flows into the
 mine and evaluate
 potential means to
 mitigate those flows if
 possible. This
 evaluation was being
 performed in
 parallel with the time-
 critical removal action
 at the Red and Bonita
 Mine in order to
 observe possible
 changes in the
 discharge at the Gold
 King Mine that may be
 caused by the
 installation of the
 bulkhead at the Red
 and Bonita this
 summer. The bulkhead

Local
and State
21 Opposition
to Senate
Superfund Approps
Listing Minority
Was the site of the
spill once proposed
as a SF site, but not
made one because
of local or state
opposition?

was scheduled to be
completed this Fall.

From EPA Region 8
website (per Jim
Blizzard)
EPA and the Colorado
Department of Public
Health and
Environment
(CDPHE) conducted a
Superfund Site
Assessment of the site
in the 1990s. This
assessment identified
the severe impacts to
aquatic life in the UA
and its tributaries from
naturally occurring
and mining-related
heavy metals. It also
acknowledged the
community-based
collaborative effort
that was under way at
that time to address
those impacts. In
recognition of the
community-based
collaborative effort,
EPA agreed to
postpone adding all or
a portion of the site to
the Superfund
National Priorities List
(NPL), as long as
progress was being
made to improve the
water quality of the
Animas River.
In support of the
collaborative effort,
EPA's Superfund
Remedial program has
contributed resources

for water quality sampling, ecological risk assessment and data analysis. In addition, the Superfund Removal program has contributed resources for the investigation and closure (bulkheading) of the Red and Bonita Mine tunnel.

EPA, through its Ecosystem Protection program, also provides the Colorado Water Quality Division of CDPHE with Nonpoint Source Management program (Section 319) grant funds. ARSG and others have received grants under that program for investigation and cleanup efforts in the watershed.

Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek, has declined significantly. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site

Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA again postponed efforts to include the area on the NPL. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the UA.

From EPA Region 8 website (per Jim Blizzard)
EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the site in the 1990s. This assessment identified the severe impacts to aquatic life in the UA and its tributaries from naturally occurring and mining-related heavy metals. It also acknowledged the community-based

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that was under way at
that time to address
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metal contamination in the UA.

From EPA Region 8 website (per Jim Blizzard): EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the site in the 1990s. This assessment identified the severe impacts to aquatic life in the UA and its tributaries from naturally occurring and mining-related heavy metals. It also acknowledged the community-based collaborative effort that was under way at that time to address those impacts. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund National Priorities List (NPL), as long as progress was being made to improve the water quality of the Animas River. In support of the collaborative effort, EPA's Superfund Remedial program has contributed resources for water quality sampling, ecological

risk assessment and data analysis. In addition, the Superfund Removal program has contributed resources for the investigation and closure (bulkheading) of the Red and Bonita Mine tunnel. EPA, through its Ecosystem Protection program, also provides the Colorado Water Quality Division of CDPHE with Nonpoint Source Management program (Section 319) grant funds. ARSG and others have received grants under that program for investigation and cleanup efforts in the watershed; Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek, has declined significantly. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in

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19 Jason Jason called. He's
Location Gray; heard from Calvert
of Plume House and a few members
staff today who are
concerned where
spill is headed -
what next type
questions Is this in
our messaging

HQ Responded

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

Cell: 303-204-1930

